

# St Neots Learning Partnership

## Curriculum Complaints Policy and Procedure

### Context

This policy is set out in accordance with the standards set out in the *Education (Independent School Standards) Regulations 2014*.

The following procedures are to be applied in considering complaints about the curriculum. They are comprehensive and cover all relevant complaints from the point when informal discussion becomes inadequate to a point where the next step would be complaint to the Secretary of State.

The procedures do not cover complaints about the actions of individual teachers or the Headteachers of the Academies. If in the course of consideration of a complaint it is decided that disciplinary proceedings should be initiated, separate action will be taken as appropriate.

Separate arrangements also apply to resolve disagreements about the curriculum requirements specified in EHCPs<sup>1</sup> or Statements for children with Special Educational Needs.

1. The duties covered by the Curriculum Complaints Procedure are as follows:
  - the provision of a curriculum which meets the general requirements of the Education Act.
  - provision of courses leading to external qualification, only if that qualification and the associated syllabus have been approved;
  - provision of religious education and worship as required by the Education Act and other enactments;
  - operation of charging policies in relation to the curriculum;
  - compliance with requirements relating to the provision of information; and
  - compliance with any other enactments relating to the curriculum.
2. The complainant may make his or her representations at each stage of the procedures in person, accompanied by a friend if so desired. Where appropriate, steps will be taken to ensure that information is available to complainants in languages other than English and arrangements made for an interpreter to be present during any oral representations.

### Procedure for making a complaint

#### Stage 1

3. The Secretary of State expects that any concerns expressed by parents and others about the curriculum and related matters in each Academy will be dealt with in **informal discussion** with teachers and/or the appropriate Headteacher in the first instance. If the Headteacher feels that the complaint falls outside the scope of this procedure, the complainant should be advised in writing of any other recourse he or she may have.

#### Stage 2

4. If the complainant feels that the informal process described above has not resolved the complaint, he/she should submit a **formal written complaint** to the Headteacher,

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<sup>1</sup> EHCP Educational Health and Care Plan

specifying the details as exactly as possible.

5. The Headteacher will consider urgent complaints as quickly as possible. If it is clear that investigation of the relevant complaint will take some time, the complainant should be notified of this and kept informed of progress made in dealing with the complaint. Following consideration of the complaint, the complainant should be informed of:
  - The decision reached, and the reason for it;
  - any action taken or proposed, including details of any request made to those complained against to take particular actions to resolve the complaint.

### **Stage 3**

6. Should the complainant feel the complaint has not been resolved to his/her satisfaction, the Headteacher will refer the complaint to the Learning and Curriculum Committee of the Governing Body via the Clerk to the Governing Body. The Clerk will write to the complainant with details of how the Committee will consider the complaint, and of the complainant's right to make representations in person and to be accompanied.
7. If the complaint appears to be urgent, the Clerk will convene a meeting of a complaints panel to consider the complaint within 12 days of its receipt, these being days in which the school is in session ("school days").
8. If the complaint is not urgent, the Clerk will convene a meeting to consider the complaint within 20 school days.
9. The Clerk will give the complainant a minimum of 7 ordinary days' notice of the date, time and place of the meeting. Any reasonable request made by the complainant for an alternative date should result in the setting of a mutually convenient date at the earliest possible time.
10. If the complainant does not wish to attend the meeting, s/he may present the complaint in writing to the Governing Body or the panel; the complainant must submit any such material to the Clerk no later than 2 school days before the meeting.
11. The Headteacher - accompanied by a representative if s/he wishes - may be present at the meeting of the panel that is convened to consider a complaint, but shall withdraw whilst the decision regarding the complaint is made.
12. Where the complainant chooses to attend in person, the usual order of proceedings shall be as follows:
  - The Chair of the panel, will welcome the complainant and any representative and introduce those present.
  - The complainant may, if s/he chooses, restate the nature of the complaint.
  - The complainant may be asked questions by the panel and by the Headteacher.
  - The Headteacher may be asked to make a statement to the panel regarding the matter complained of, and may be asked questions by the panel or by the complainant.
  - The complainant may, if s/he chooses, summarise the complaint.
  - The Headteacher, complainant and any friends or representatives they have

brought will be asked to leave.

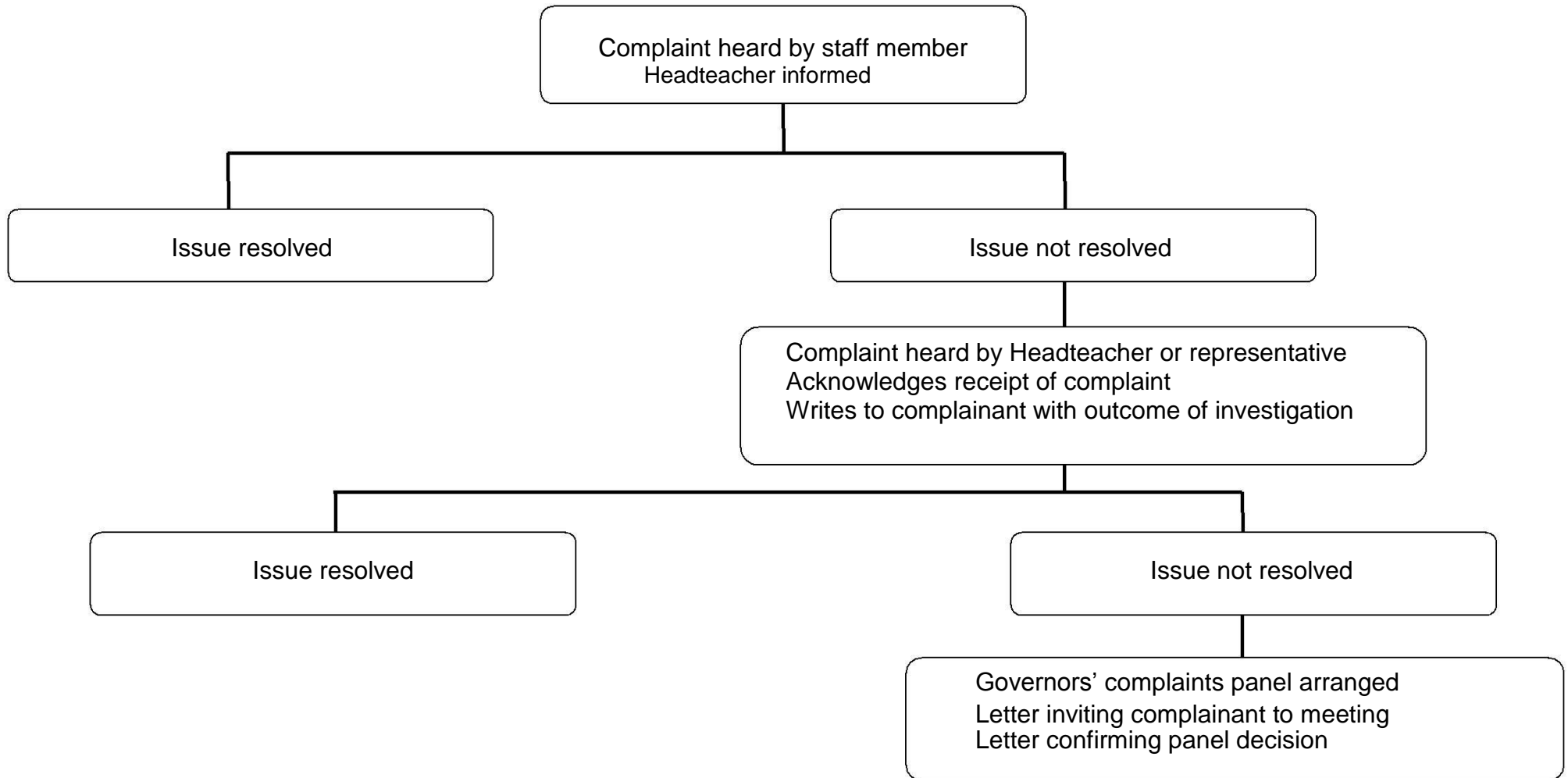
13. The panel shall consider the complaint and any relevant information or factors at the meeting. They shall only reach a decision after the Headteacher and where relevant, the complainant and any friend or representative or either individual, have withdrawn. The Governing Body or committee shall decide whether or not to:
  - reject the complaint; or
  - uphold the complaint; or
  - investigate the complaint further.
14. The Clerk shall inform the complainant and the Headteacher in writing within 5 school days:
  - Of the decision reached by the panel under paragraph 12 and the reasons for the decision; if the panel decides that the complaint falls outside the scope of paragraph 1 above, the Clerk will inform the complainant of any further recourse they may have;
  - if the complaint was upheld, of any action taken or proposed, including details of any request to those complained against to take particular actions to resolve the complaint. Where the complainant is dissatisfied with the actions taken or proposed to remedy the complaint, they may wish to pursue the matter further with the Headteacher or the Governing Body as appropriate;
  - where the Governing Body's response has failed to satisfy the complainant, the fact that further recourse lies in a complaint to the Secretary of State. However, it should be pointed out that the Secretary of State's powers do not extend to reviewing decisions of complaints committees. The Secretary of State only has the power to decide whether the Governing Body concerned has acted unreasonably or is in default of its statutory duties.
15. Where under paragraph 12 the Governing Body or committee decides to investigate the complaint further, the Clerk shall inform the complainant of the steps to be taken and of the progress made. Any subsequent meeting of the panel shall be subject to the provisions described above insofar as they are relevant.
16. The Secretary of State may require the Governing Body to make annual returns to the Department for Education giving the number or formal complaints dealt with and their outcomes. These returns will not, however, identify individual complainants.
17. The Headteacher or the Clerk to the Governors will be able to give further advice, if required.

June 2015

To be reviewed in June 2017

## Appendix 1

### Curriculum Complaints Procedure Summary of Dealing with Complaints



## **Appendix 2:**

### **The Remit of the Complaints Panel**

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the Partnership's systems or procedures to ensure that problems of a similar nature do not recur.

The following points may give useful guidance to Governors sitting on a complaints panel:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors need to try and ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Partnership and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The Governors sitting on the panel need to be aware of the complaints procedure.

### **Roles and Responsibilities**

#### **The Role of the Clerk**

The Department for Education strongly recommends that any panel or group of Governors considering complaints be clerked. The Clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

## **The Role of the Chair of the Panel or the Nominated Governor**

The nominated Governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

## **The Role of the Chair of the Panel**

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## **Notification of the Panel's Decision**

The Chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.